

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
Filed: July 12, 2001

REMARKS

This Amendment and Response cancels claims 5 and 7 without prejudice, amends claims 1, 4, 6, and 16, and adds new claims 63-68. With this Amendment and Response, claims 1-4, 6, 8-34 and 63-68 are pending in this application. No further fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

I. Allowable Subject Matter

The Action indicates that claims 9-13 and 20-34 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. For the reasons discussed *infra* Part III, applicants believe that claims 9-13 and 20-34 depend from allowable independent claims and are therefore allowable. However, the subject matter of claims 9, 20, 23, 28, and 34, which the Action indicated was allowable, has been incorporated into new claims 64-68, respectively. New claims 64-68 are therefore allowable.

II. 35 U.S.C. § 112 Rejections

The Action rejects claim 4 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully request that this rejection be withdrawn. “[A]t least one carotid artery” has been deleted from claim 4 and included in new claim 63, thereby resolving any perceived ambiguity in original claim 4. Amended claim 4 and new claim 63 both depend from allowable amended claim 1 (*see infra* Part III) and are therefore allowable.

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U.S. 09/904,154
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III. 35 U.S.C. § 102 Rejections

The Action rejects claims 1, 3, 4, 7, 16, 18, and 19 under 35 U.S.C. § 102(a) as being anticipated by Winkelmolen. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 7 has been cancelled without prejudice, thereby rendering the Action's rejection of this claim moot.

Claim 1 has been amended to recite moving a cutting device along a cutting path substantially transverse to the longitudinal axis of the neck of the slaughter animal. Similarly, claim 16 has been amended to recite a cutting device that moves along a cutting path substantially transverse to the longitudinal axis of the neck of the slaughter animal. Winkelmolen does not disclose either moving a cutting device or a cutting device that moves along a cutting path substantially transverse to the longitudinal axis of the neck of the slaughter animal. Rather, Winkelmolen discloses the opposite – a cutting path that is substantially parallel to the longitudinal axis of the neck, as clearly seen in FIG. 2.

Nor would it be obvious to modify the Winkelmolen device to cut in a direction transverse to the longitudinal axis of the neck. Winkelmolen is directed to a positioning and cutting device to facilitate removal of the crop of the bird. Col. 1, ll. 9-11. The neck is first positioned and then cut to provide an opening through which a tool can be admitted to remove the crop. *Id.* Winkelmolen emphasizes the importance of precision cutting of the neck so that the resulting cut does not damage the crop. *See, e.g.,* col. 1, ll. 17-24 & col. 4, ll. 6-7. To that end, Winkelmolen discloses a device that accurately positions the neck with respect to the cutting blade. Thus, Winkelmolen teaches against altering the cut in any way, as doing so would

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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jeopardize the cutting accuracy for which its device was designed to ensure. For at least these reasons, Winkelmolen neither anticipates or renders obvious amended claims 1 and 16. These claims are therefore allowable, as are all claims that depend from these claims, including claims 3 and 4 and claims 18 and 19 which depend from claims 1 and 16, respectively.

Moreover, claim 1 has been amended to recite repositioning of the body of the slaughter animal from a position below the neck to a position above the neck either before or after opening the blood vessel. Similarly, claim 16 has been amended to recite a device that includes a body repositioning device for repositioning the body of the slaughter animal from a position below the neck to a position above the neck and a blood opening device that can open the at least one blood vessel either before or after the body of the slaughter animal has been repositioned above the neck. Winkelmolen fails to teach or suggest repositioning the body of the animal from a position below the neck to a position above the neck (or a device to accomplish such repositioning). Rather, in Winkelmolen, the animal is hung by its feet so that the body is always above the neck. For this additional reason, Winkelmolen fails to anticipate or render obvious amended claims 1 and 16, and these claims and well as claims 3, 4, 18, and 19, are allowable.

IV. 35 U.S.C. § 103

The Action rejects claims 2, 5, 6, 8, 14, 15, and 17 under 35 U.S.C. § 103 as being unpatentable over Winkelmolen. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 5 has been cancelled without prejudice, thereby rendering the Action's rejection of this claim moot. Moreover, for the reasons explained *supra* Part III, Winkelmolen fails to teach or suggest the subject matter of amended claims 1 and 16 and therefore cannot

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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render obvious claims 2, 6, 8, 14, and 15 and claim 17, which respectively depend from claims 1 and 16.

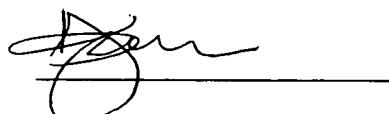
PETITION FOR THREE-MONTH TIME EXTENSION

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on June 5, 2002 be extended for one month, up to and including December 5, 2002. Enclosed is a check in the amount of \$920 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

CONCLUSION

Applicants respectfully submit that claims 1-4, 6, 8-34, and 63-68 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.815.6389 to arrange for a telephone interview prior to issuance of a final Office action.

Respectfully submitted,



Kristin L. Johnson
Reg. No. 44,807
ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6389

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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Marked-up copy of amended claims pursuant to 37 C.F.R. § 1.121(c)

1. (Amended) A method for mechanically opening at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

positioning the neck of the slaughter animal, wherein the neck comprises a longitudinal axis; and

opening the at least one blood vessel [, wherein the at least one blood vessel is opened] by moving at least one cutting device along a cutting path substantially transverse to the longitudinal axis of the neck and into the neck from one side of the neck towards an opposite side of the neck, the at least one blood vessel to be opened being located in the path of the cutting device,

wherein the body of the slaughter animal is repositioned from a position below the neck to a position above the neck either before or after opening of the at least one blood vessel in the neck.

4. (Amended) The method of claim 1, wherein the at least one blood vessel opened comprises at least one jugular vein [and at least one carotid artery].

6. (Amended) The method of claim [5] 1, wherein the slaughter animal is hung by its head.

AMENDMENT AND RESPONSE TO OFFICE ACTION
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16. (Amended) A device for cutting into at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

a neck positioning device for positioning the neck of the slaughter animal, wherein the neck comprises a longitudinal axis; [and]

a blood vessel opening device for opening the at least one blood vessel, wherein the blood vessel opening device comprises at least one cutting device adapted to move along a cutting path [through] substantially transverse to the longitudinal axis of the neck and into the neck from one side of the neck [to another] towards an opposite side of the neck, wherein the at least one blood vessel which is to be opened being located along the cutting path of the cutting device; and

a body repositioning device for repositioning the body of the slaughter animal from a position below the neck to a position above the neck, wherein the blood vessel opening device is adapted to open the at least one blood vessel before or after the body of the slaughter animal has been repositioned above the neck.

Please add the following new claims:

--63. (New) The method of claim 1, wherein the at least one blood vessel opened comprises at least one carotid artery. --

--64. (New) A method for mechanically opening at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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positioning the neck of the slaughter animal; and
opening the at least one blood vessel by moving at least one cutting device along a path
and into the neck from one side of the neck towards an opposite side of the neck, the at least one
blood vessel to be opened being located in the path of the cutting device,
wherein the neck comprises a trachea and wherein the distance between the trachea and
the at least one blood vessel is increased before the at least one blood vessel is opened. --

-- 65. (New) A device for cutting into at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

a head carrier for carrying the slaughter animal by its head;
a neck positioning device for positioning the neck of the slaughter animal, wherein the
neck positioning device engages the neck in the area which extends from the underside of the
head of the slaughter animal to the second cervical vertebra; and
a blood vessel opening device for opening the at least one blood vessel, wherein the
blood vessel opening device comprises at least one cutting device adapted to move along a
cutting path through the neck from one side of the neck to another side of the neck, wherein the
at least one blood vessel to be opened is located along the cutting path of the cutting device. --

--66. (New) A device for cutting into at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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a neck positioning device for positioning the neck of the slaughter animal, wherein the neck comprises a trachea;

a separating device for increasing the distance between the trachea of the slaughter animal and the at least one blood vessel; and

a blood vessel opening device for opening the at least one blood vessel, wherein the blood vessel opening device comprises at least one cutting device adapted to move along a cutting path through the neck from one side of the neck to another side of the neck, wherein the at least one blood vessel to be opened is located along the cutting path of the cutting device. --

--67. (New) A device for cutting into at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

a neck positioning device for positioning the neck of the slaughter animal;

a blood vessel opening device for opening the at least one blood vessel, wherein the blood vessel opening device comprises at least one cutting device adapted to move along a cutting path through the neck from one side of the neck to another side of the neck, wherein the at least one blood vessel to be opened is located along the cutting path of the cutting device; and

a leg positioning device for positioning at least one leg of the slaughter animal in a leg support which interacts with the leg positioning device. --

-- 68. (New) A device for cutting into at least one blood vessel in the neck of a slaughter animal, in particular a fowl, comprising:

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. 09/904,154
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a neck positioning device for positioning the neck of the slaughter animal, wherein the neck positioning device comprises a head support for supporting the head and a shoulder support for supporting the shoulders of the slaughter animal; and

a blood vessel opening device for opening the at least one blood vessel, wherein the blood vessel opening device comprises at least one cutting device adapted to move along a cutting path through the neck from one side of the neck to another side of the neck, wherein the at least one blood vessel to be opened is located along the cutting path of the cutting device. --